IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL MISC.NO.59459 M OF 2006

DATE OF DECISION: JANUARY 30,2007

Amandeep Singh Manku @ Manku and others

.....Petitioners

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. **Whether Reporters of local papers may be allowed to see the judgement?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

PRESENT: Mr. Kuldeep Singh, Advocate
for the petitioner.

Ms. Nilofer K. Parveen, AAG, Punjab,
for respondent No.1.

Mr. R. K. Dhiman, Advocate,
for respondent No.2.

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RANJIT SINGH, J.

Prayer made in the present petition is for quashing of FIR No.343 dated 19.11.2004 registered under Sections 323, 452, 148, 149 and 34 IPC at Police Station Central, Phase VIII, Mohali, on the basis of a compromise between the parties.

Harpreet Singh @ Happy, respondent No.2, who is otherwise a friend and class-mate of the petitioners, has filed the above noted FIR with the

allegation that there was an exchange of hot words between them while they were sitting in House No.1023, Sector 69, Mohali on 19.11.2004. It is alleged that the petitioners had pushed and given bricks and rod blows to the complainant when he refused to intimate the whereabouts of Sukhwinder Singh on an enquiry made by the petitioners. Of course, the petitioners would have a different story to tell but the fact remains that an incident did take place, which led to registration of FIR under Section 323 IPC. Since the petitioners allegedly entered the room of the complainant, the offence under Section 452 IPC is also added in the FIR. The counsel for the petitioners would contend that offence of tress-pass, in the facts and circumstances of the case, would not be made out as the petitioners had never entered the room with intention to commit any tress-pass but had gone there to enquire about whereabouts of Sukhwinder Singh, as can be noticed from the FIR.

Leaving aside the different versions advanced by the parties, it may be noticed that the parties have amicably resolved this dispute. The petitioners and complainant are of young age and are students. There does not appear to be any serious cause of fight or other differences between them. This fight appears to have emanated from a trivial cause. Settlement of this dispute by compromise is in the interest of both the parties and would be good for avoiding bad blood in future. The parties have reached compromise, which has been reduced in writing in the form of affidavits annexed with the petition as Annexures P-1 to P-4. The continuation of proceedings in this background and having regard to the nature of dispute being really trivial would do no good to anyone.

It may rather result in some harm to the career of young students. A good sense has rightly prevailed upon the parties. The petitioners seems to be repentant as can be seen from their act and conduct in reaching the complainant for a compromise. The offence under Section 452 is not compoundable but this offence apparently is not made out from the facts and circumstances of the case. Even otherwise, the provisions of Section 482 Cr.P.C. can be invoked to quash the proceedings where it is found that continuing the proceedings would amount to abuse of process of the Court or it is otherwise essential to secure the ends of justice. The proceedings, if allowed to continue, would be an exercise in futility because the complainant is not likely to support the prosecution version in view of the compromise. Such lame prosecution should be brought to an end.

The present petition is allowed. FIR No.343 dated 19.11.2004 registered under Sections 323, 452, 148, 149 and 34 IPC at Police Station Central, Phase VIII, Mohali, alongwith all subsequent proceedings including the challan are hereby ordered to be quashed.

January 30, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**